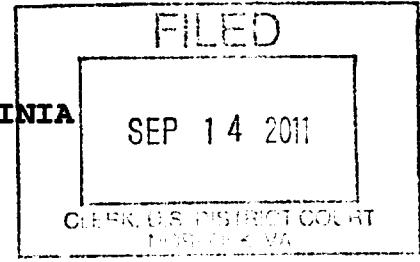


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ROBERT CLAYTON,

Plaintiff,

v.

ACTION NO. 2:10cv284

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Commissioner of the Social Security Administration denying his claim for a period of disability insurance benefits and supplemental security income under Title XVI of the Social Security Act.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on June 30, 2011, recommending that the decision of the Commissioner be affirmed. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On July 13, 2011,

the Court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge (Document No. 17), and on July 26, 2011, Defendant filed a Response to Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge (Document No. 18).

On August 16, 2011, the Court entered an Order remanding the matter to the Magistrate Judge for further consideration in light of the objections filed by Plaintiff and the response filed by Defendant.

The Magistrate Judge's Amended Report and Recommendation was filed on August 18, 2011, recommending that the decision of the Commissioner be affirmed. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On September 1, 2011, the Court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge (Document No. 21), and on September 9, 2011, the Court received Defendant's Response to Plaintiff's Objections to the Amended Report and Recommendation (Document No. 22).

Having reviewed the record and finding no error, the Court hereby ADOPTS the findings and recommendations set forth in the amended report of the United States Magistrate Judge filed on August 18, 2011, and the decision of the Commissioner is AFFIRMED, Defendant's motion for summary judgment is GRANTED, Plaintiff's

motion for summary judgment is DENIED, and this case is DISMISSED.

Plaintiff is ADVISED that he may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to counsel of record for the parties.

/s/MSD

Mark S. Davis
United States District Judge

Norfolk, Virginia

September 14, 2011